

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in view of the following discussion is respectfully requested.

Claims 5-8 are pending in the present application. Claims 5-8 are amended without adding new matter and Claims 1-4 and 9-12 are canceled without prejudice by the present amendment.

In the outstanding Office Action, Claim 5 was rejected under 35 U.S.C. § 102(b) as anticipated by Miyashita et al. (U.S. Patent No. 5,548,426, herein "Miyashita"), and Claims 6-8 were indicated as allowable if rewritten in independent form.

Applicants thank the Examiner for the indication of allowable subject matter. However, because independent Claim 5 is believed to distinguish over the applied art, Claims 6-8 are maintained in dependent form.

Regarding the rejection of Claim 5 under 35 U.S.C. § 102(b) as anticipated by Miyashita, that rejection is respectfully traversed for the following reasons.

Initially, independent Claim 5 has been amended to correct minor informalities and not to overcome the applied art.

Briefly recapitulating, independent Claim 5 is directed to a liquid crystal element that includes a liquid crystal cell and a phase plate. The liquid crystal cell has a retardation value  $R_1$  that corresponds to a voltage  $V_1$  and a retardation value  $R_2$  that corresponds to a voltage  $V_2$ , different than the voltage  $V_1$ . Further, both retardations  $R_1$  and  $R_2$  are larger than zero, and, thus, must have positive values. The phase plate has a retardation value  $R$  that satisfies a relation  $R + R_v = m \times \lambda$ , where  $R_v$  is a retardation value generated by a third voltage,  $m$  is an integer, and  $\lambda$  is a wavelength of a linearly polarized light.

Turning to the applied art, Miyashita shows in Figure 3 a twisted nematic liquid crystal display 1 and a phase compensation plate 4. The outstanding Office Action asserts at page 3, lines 1-3, that “the desired composite retardation value of both the cell and the phase compensation plate would be zero” for the device of Miyashita.

However, Applicants note that Miyashita specifically teaches at column 5, line 65, to column 6, line 1, that a retardation value ( $\Delta n \times d$ ) of the retardation plate is “a positive product” and at column 6, lines 47-50, that a retardation value of the liquid crystal cell 1 “is set between 300 and 600 nm.”

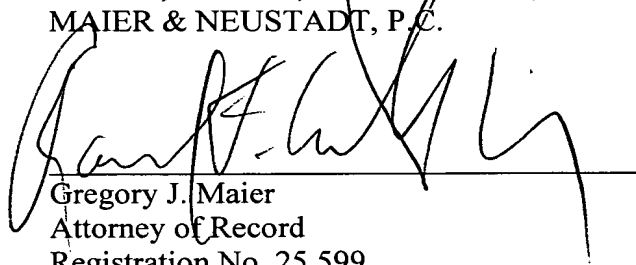
Thus, Applicants respectfully submit that none of the retardation values of either the retardation plate or the liquid crystal cell of Miyashita has a negative value and thus, the assertion of the outstanding Office Action that a retardation of both the cell and the phase compensation plate would be zero does not have any basis in Miyashita. According to Miyashita, the values of the retardation of each of the retardation plate and the liquid crystal cell are larger than zero, and thus their sum cannot be zero and the further assumption that IF  $m=0$ , “the device of Miyashita et al. satisfies the equation  $R+R_v=m*\lambda$ ” is an assumption without any support in Miyashita.

Therefore, Miyashita does not teach or suggest a phase plate having a retardation value that satisfies the claimed relation. Accordingly, it is respectfully submitted that independent Claim 5 and each of the claims depending therefrom patentably distinguish over Miyashita.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

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